

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:05CV408-1-MU

DAVID E. SIMPSON,)
)
Plaintiff,)
)
v.)
)
UNION COUNTY SHERIFF,)
)
Defendant.)
_____)

ORDER

THIS MATTER comes before the Court upon Defendant's Motion to Strike Plaintiff's Purported Motion for Summary Judgment, filed November 28, 2005.

On September 22, 2005, Plaintiff filed a Complaint pursuant to 42 U.S.C. § 1983 alleging that the Union County Sheriff has failed to return cash and a car after he was arrested. On November 10, 2005, Defendant filed an Answer to Plaintiff's Complaint. On November 16, 2005, Plaintiff filed a document entitled "Respond to the Defendant Answer: in Affidavit." At the very end of the document Plaintiff asserts that he would be willing to settle this case but if not he asked the undersigned to grant summary judgment in his favor. In response to Plaintiff's November 16, 2005, filing Defendant filed a Motion to Strike Plaintiff's Purported Motion for Summary Judgment.

After reviewing Plaintiff's November 16, 2005, filing this Court concludes that it was not intended to be, nor does it fit with requirements for, a motion for summary judgment. As such, Defendant's motion is denied as moot. This case is ripe however for dispositive motions and if either party wishes to file a dispositive motion, such a motion must be filed with this Court within

sixty days of the filing of this Order.

IT IS THEREFORE ORDERED THAT:

1. Defendant's Motion to Strike Plaintiff's Purported Motion for Summary Judgment is **DENIED** as moot;
2. All dispositive motions must be filed with this Court within sixty days of the filing of this Order.

Signed: December 7, 2005

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
Chief United States District Judge

